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Robert and Connie Mercogliano  
6480 Olive Street  
Commerce City, Colorado. 80022

FILED

NOV 26 2018

DISTRICT COURT OF NORTHERN OKLAHOMA

Mark C. McCartt, Clerk  
U.S. DISTRICT COURT

Case No.: 18 CV 581 GKF-FHM

Willette Glover/Willie T. Houston

MOTION TO DISMISS

Plaintiff,

vs.

Robert Mercogliano  
Defendant

Defendant hereby moves the Court to dismiss Plaintiff's Complaint with prejudice. The basis for this Motion are set forth in the accompanying memorandum.

Dated this 20 day of November, 2018

Robert Mercogliano

Robert and Connie Mercogliano  
6480 Olive Street  
Commerce City, Colorado. 80022

DISTRICT COURT OF OKLAHOMA

Willette Glover/Willie T. Houston

CASE NO: 18CV 581 GKF-FHM

Plaintiff,

vs.

Robert Mercogliano

Defendant

Facts

Merco Photography and Filming is not, or ever has been a company.

I was not hired by Willie. It was my idea and all my expenses for two years of editing and filming, travel and equipment.

Willie had full knowledge of any social media videos. (which were made for his benefit) I gave Willie all copies of any photos I took of him.

I made a total of twenty-five DVD's. Ten were given to Willie. I sold the rest at his show, bars and concerts. At the end of the venue, Willie and I each received our share.

In response to the claim of video sales being sold internationally, there was a meeting held with a person, I don't remember his name, who said he would like to distribute the DVD. He said he had the means to do it. I gave him one copy and never heard from him again. This was the only offer I was aware of, not several as is stated.

On February 14, 2012, I was approached by Carla Jordan, to produce copies of the DVD. I told her I could not because I was, at that time, fighting cancer. She said Willie was getting a Blues award and wanted to help him financially. I said I would give her a copy and she could make them for him. I received no compensation at all and I do not know what Willie did with them. I also have copies of all correspondence between Carla and myself.

Everything that I and many others did for Willie was out of love and desire to see an elderly Blues man see his dream before he passed on. Willie was no BB King and I told him in the beginning I was no Spielberg. Willie said, "lets do it." No one hired me. I spent two years filming and editing only to help Willie out. I smelled the collard greens he was cooking, hence the movie name.

I do not know anything about record companies, musicians, lawyers and what they have or have not done for Willie. I only know what I did.


### ARGUMENT

Plaintiff's Complaint fails to state a claim upon which relief may be granted. Plaintiff's claim must be dismissed because her legal claims are without merit and frivolous. There are no punitive or exemplary damages due to Willie or his daughter, as no money was made above costs of making the DVDs. To my knowledge, the documentary was never sold.

### CONCLUSION

For the reasons stated above, the Defendant's Motion to Dismiss should be granted.

Dated this 20 day of November, 2018

A handwritten signature in cursive script, reading "Robert Mercogliano", is written over a horizontal line.

Robert Mercogliano

**CERTIFICATE OF MAILING**

I hereby certify on this 20 day of November, 2018, I placed a true and correct copy of the foregoing Motion To Dismiss to the Oklahoma District Court in the United States mail, postage paid, addressed to

Oklahoma District Court  
333 West 4th Street, Room 411  
Court Clerks Office  
Tulsa, Oklahoma 74103

Willette Glover/Willie T. Houston  
P.O. Box 2613  
Sapulpa Creek, Oklahoma 74067

Shanika Cursh Legal Services  
P.O. Box 2613  
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Robert Mercogliano